

<b>LAS VEGAS POLICE DEPARTMENT</b>	<b>ADMINISTRATION</b>
<b>SUBJECT:</b> <i>Constitutional Requirements</i>	<b>NUMBER: 4</b>
<b>EFFECTIVE DATE:</b> <i>9 September 2010</i>	<b>REVIEW DATE:</b>
<b>AMENDS/SUPERSEDES:</b>	<b>APPROVED:</b>
	<b>Chief of Police Gary Gold</b>
<b>NMMLEPSC STANDARDS:</b> <i>ADM.02.02</i>	<b>NMSA: Supreme Court of the United States</b> 392 U.S. 1, 88 S.Ct. 1868

**I. PURPOSE:**

The purpose of this policy is to ensure the efficient and effective management of the Miranda warning function by providing administrative guidance that identifies the responsibilities and Constitutional Requirement processes within the uniform and all other components of the department.

**II. POLICY:**

It is the policy of the Las Vegas Police Department to manage the function of the Constitutional Requirements in an effective manner by coordinating the efforts of uniform and other investigative organizational components as provided in this policy.

**III. APPLICABILITY:**

Applies to all employees of the Las Vegas Police Department

**IV. REFERENCES:**

- A. Miranda V. Arizona (1966)
- B. Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868

**IV. DEFINITIONS:**

- A. None

**VI. PROCEDURE:**

**A. To ensure compliance with all applicable constitutional requirements.**

- 1. Interviews and interrogations will be conducted in compliance with the requirements of Miranda, when applicable.**
  - 2. All persons' access to counsel will be conducted in compliance with the requirements of Miranda, when applicable.**
  - 3. All persons or property subject to search and seizure will be in compliance with the United States Constitution.**
  - 4. Terry vs. Ohio, (Supreme Court of the United States 392 U.S. 1, 88 S.Ct. 1868) as defined by New Mexico Supreme Court, will govern all stop and frisk contacts conducted by the Las Vegas Police Department.**
  - 5. Officers must give the arrestee their Miranda Right during a custodial interrogation and when informed that their statement(s) given may be used against them in a court of law.**
- B. The Las Vegas Police Department will provide all safeguards in assuring that non-English speaking and hearing impaired persons are protected in a manner that is clearly understood whenever constitutional issues become apparent through the use of qualified interpreters.**

**VII. ATTACHMENTS:**

**A. Miranda Warning Statement**

**Las Vegas Police Department  
Las Vegas, New Mexico**

**CONSTITUTIONAL RIGHTS FORM**

Name of Person Interviewed: \_\_\_\_\_  
Last First MI

Place of Interview: \_\_\_\_\_

Address; \_\_\_\_\_ Date of Interview: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security No. \_\_\_\_\_

Time (Start) \_\_\_\_\_ Time (End) \_\_\_\_\_

Reason for Questioning: \_\_\_\_\_

**Before we ask you any questions, you must understand your Constitutional Rights:**

1. You have the right to remain silent. \_\_\_\_\_
2. Anything you say can be used against you in Court of Law. \_\_\_\_\_
3. You have the right to talk to an Attorney for advice before we ask you any questions and to have him/her with you here during questioning. \_\_\_\_\_
4. If you cannot afford an Attorney, one will be provided to you by a District Judge. \_\_\_\_\_
5. If you decide to answer questions now, without an Attorney present, you will have the right to stop answering at any time. \_\_\_\_\_

**WAIVER OF RIGHTS**

**I have read this statement of my rights and understand what my rights are.  
I am willing to make a statement and answer questions. I do not want an Attorney at this time. I understand and know what I am doing, No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.**

\_\_\_\_\_  
Interviewing Officer

\_\_\_\_\_  
Signature of person Interviewed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

**Refusal The above listed suspect has declined to answer any questions until counsel is appointed.**

Interviewing Officer: \_\_\_\_\_